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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,667	06/30/2000	Tomi Engdahl	975.309USW1	2460

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EXAMINER

LEE, CHI HO A

ART UNIT	PAPER NUMBER
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2663

14

DATE MAILED: 04/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/608,667

Applicant(s)

ENGDAHL, TOMI

Examiner

Andrew Lee

Art Unit

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== The MAILING DATE of this communication appears on the cover sheet with the correspondence address ==

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 June 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it contains claim language.

Correction is required. See MPEP § 608.01(b).

Claim Objections

2. Claim 6 is objected to because of the following informalities:

In line 4, "the number" should be – a number-;

In lines 7-8, "the position" should be –a position-;

In line 8, "the group" should be – a group-. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 6 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Chiang et al U.S. Patent Number 6,243,497.

Re Claims 1 and 7, fig. 1 teaches Video Image input 110 (providing a first digital data stream) inputs the encoder 170 (inputting to a sample rate converter) at a first rate (See col. 4, lines 1-22); output of the 170 inputs FIFO buffer 190 (supplying...processing element); rate control module 130 (detecting a state... &

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controlling said sampling rate) monitors and adjust the bit rate of the data stream entering the FIFO buffer 190 to prevent overflow and underflow (See col. 4, lines 50 ~ col. 6, lines 1-35), in particular, the control module 130 monitors the status of the buffer 190 to control the number of bits generated by the encoder, wherein the output of the buffer 190 corresponds to the coding rate adjustment (outputting a second sample rate).

Re Claim 2, refer to Claim 1, wherein the parameters in determining the coding rate include the B: current buffer level (See col. 6, lines 35-51).

Re Claim 3, refer to Claim 1, wherein the Control module 130 monitors the status of the FIFO buffer 190 that includes overflow state (a first value), underflow (a second value), and the current buffer level (a third value) that could be within overflow and underflow value (See col. 7, lines 1 +).

Re Claim 6, further teaches "w" a number of past frames (within data stream) associates with a sliding window (randomized in time) for selecting data points for the estimator (See col. 11, lines 1 +) to be added or subtracted by 115.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang et al U.S. Patent Number 6,243,497.

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Re Claims 4, 5, refer to Claim 1, wherein the Control module 130 adjusts the coding rate (enabled if detected) depending on the buffer status (controlling the sampling rate).

Chiang et al fails to explicitly teach, "disabled if said detected state has the third value". However, one skilled in the art would have been motivated to disable the "coding rate" adjustment by the Control module 130 because, one such adjustment was needed. Hence, when the buffer level within an acceptable range to maintain a quality frame transmission, no adjustment of the coding rate would have been necessary, i.e., disabling "coding rate" adjustment. In so doing, quality would have been maintained. Therefore, it would have been obvious to one ordinary skilled to "disabled if detected state has said third state".

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 703-305-1500. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AI
3/28/04 PATENT EXAMINER

ANDY LEE